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In re Application of
Wayne Edward Beimesch.
Application No.: 09/806274
PCT No.: PCT/US99/15315
Int. Filing Date: 08 July 1999
Priority Date 08 July 1998
Attorney's Docket No.: 390780
For: Method for Measuring Volatile Organic and a Kit
for same

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

This is in response to the petition under 37 CFR 1.137(b), filed 27 March 2001, to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is GRANTED.

BACKGROUND

On 08 July 1999, applicants filed international application PCT/US99/15315, which claimed priority of an earlier U.S. application, filed 08 July 1998. A Demand for international preliminary examination, in which the United States was elected, was timely filed on 24 January 2001. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on 08 January 2001.

On 27 March 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application as required by 35 U.S.C. 371(c)(2); and a copy of the declaration of the inventors as required by 35 U.S.C. 371(c)(4). Also accompanying the transmittal letter for entry into the national stage in the United States was a petition to revive an application for patent abandoned unintentionally under 37 CFR 1.137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition fee required by 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the

filing of a grantable petition under 37 CFR 1.137(b) was unintentional, and (4) a terminal disclaimer with disclaimer fee (only for utility and plant applications filed before 08 June 1995).

Regarding item (1), on 27 March 2001, applicants submitted the required reply for entry into the national stage in the United States. This reply consisted of: (1) the requisite basic national fee of \$860.00, (2) a copy of the international application, and (3) a copy of the declaration of the inventors. All of these items comply with the requirements of 35 U.S.C. 371(c) and are accepted as the required reply.

Regarding item (2), on 27 March 2001, applicants submitted the petition fee required by 37 CFR 1.17(m) for a large entity of \$1,240.00.

Regarding item (3), on 27 March 2001, applicants submitted a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

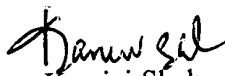
Regarding item (4), because applicants filing date of 08 July 1999 is after 08 June 1995, the requirement of a terminal disclaimer with disclaimer fee is not applicable in this case.

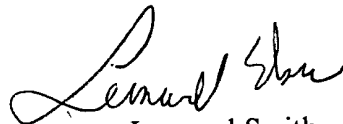
CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED.

Applicant's claim for priority is acknowledged. The application has an international filing date of 07 July 1999 under 35 U.S.C. 363 and a date of 27 March 2001 under 35 U.S.C. 371.

This application is being forwarded to the National Stage Processing Branch of the International Division for treatment in accordance with this decision, that is for preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903).


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